

IN RE: PETITION FOR RESIDENTIAL VARIANCE BEFORE THE
S/S Kent Avenue, 60' W of the
c/l of Queen Anne Street
(111 Kent Avenue)
1st Election District
Raymond J. Charnock, et al.
Petitioners

• ZONING COMMISSIONER
• OF BALTIMORE COUNTY
• Case No. 91-476-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (garage) with a height of 19 feet in lieu of the maximum permitted 15 feet in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 36-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 36-127 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of July, 1991 that the Petition for Residential Variance to permit an accessory structure (garage) with a height of 19 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 60-day appellate process from this order has expired. If, for whatever reason, this order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this order.

Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 7/19/91
By [Signature]

JRH:bjs

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PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-476-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plot attached hereto and made a part hereof, petition for a Variance from Section 36-127 (b)(1) of the Baltimore County Code, to permit an accessory structure (garage) 19' in height in lieu of the required 15'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (Indicate hardship or practical difficulty):

Needs storage left for additional storage space, as split-level house only has a 1 1/2 basement.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser(s):

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner(s):

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

ORDERED by the Zoning Commissioner of Baltimore County, this 3 day of July, 1991, that the subject matter of this petition be posted on the property on or before the 14 day of July, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 3 day of July, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 14 day of July, 1991, at 10 o'clock, A.M..

ORDER RECEIVED FOR FILING
Date 7/19/91
By [Signature]

ZONING COMMISSIONER OF BALTIMORE COUNTY

CASE NUMBER 91-476-A
PETITIONER'S EXHIBIT # 2



Baltimore County Government
Office of Zoning Administration and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

Mr. & Mrs. Raymond J. Charnock
111 Kent Avenue
Baltimore, Maryland 21207

Re: CASE NUMBER: 91-476-A
LOCATION: S/S Kent Avenue, 60' W of c/l Queen Anne Street
1113 Kent Avenue

Dear Petitioner(s):

Please be advised that your petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before June 26, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is July 11, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
(301) 587-3391

VARIES DESCRIPTION

91-476-A

Requesting a variance to the south side of Kent Avenue which is 30 feet wide, at the distance of 60' west of the centerline of the nearest approved intersecting street, Queen Anne Street, which is 30' wide, being lots 5 thru 10, Block 7, in the subdivision of Catonsville Manor as recorded in Baltimore County Plat Book 6, Folio 109, containing 15,000 square feet, or .34 acres. Also known as 1113 Kent Avenue located in the 1st Election District, and 1st Councilmanic District.

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AFFIDAVIT
IN SUPPORT OF RESIDENTIAL ZONING VARIANCE
91-476-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/they presently reside at 1113 KENT AVE
Catonsville Manor, Baltimore, MD 21207
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)
Needs storage left for additional storage space, as split level house only has 1 1/2 basement.

That Affiant(s) and Affiant(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Raymond J. Charnock
Affiant (Handwritten Signature)
Raymond J. Charnock
Affiant (Printed Name)

Nettie B. Charnock
Affiant (Handwritten Signature)
Nettie B. Charnock
Affiant (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of July, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared RAYMOND J. CHARNOCK and NETTIE B. CHARNOCK

The Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

5/31/91
DATE

Ernest L. Burdon
Notary Public
My Commission Expires January 1, 1992

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 001-6150
Number

Date

91-00463

ITEM	QTY	PRICE
FOR FILING FEES		
FOR ZONING VARIANCE (1RL)	1 X	\$55.00
FOR POSTING SIGNS / ADVERTISING	1 X	\$25.00
TOTAL:		\$80.00

PRO. CHRG. OF COMER: CHARNOCK

Please Make Checks Payable To: Baltimore Exp-20145AM05-03-91

Cashier Validation

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: _____ Date of Posting: _____

Posted for: _____

Petitioner: _____

Location of property: _____

Location of Sign: _____

Remarks: _____

Posted by: _____ Date of return: _____

Number of Signs: _____

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 17, 1991

Mr. & Mrs. Raymond J. Charnock
1113 Kent Avenue
Baltimore, Maryland 21207

RE: PETITION FOR RESIDENTIAL VARIANCE
S/S Kent Avenue, 60' W of the c/l of Queen Anne Street
(1113 Kent Avenue)
1st Election District - 1st Councilmanic District
Raymond J. Charnock, et ux - Petitioners
Case No. 91-476-A

Dear Mr. & Mrs. Charnock:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

June 11, 1991

Raymond J. Charnock
Bettie B. Charnock
1113 Kent Avenue
Baltimore, MD 21207

RE: Petition Filed in Zoning Office
Item Number 463

Dear Petitioner:

This letter is to inform you that, due to a technical problem, your Petition for Residential Variance has not been placed on the agenda for the week of June 18, 1991. According to our records, this Petition was filed on June 3, 1991 with Laurence J. Goetz.

In order for this Petition to be placed on the next agenda, you must contact Mr. Goetz at 887-3391 to rectify the problem.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:scj

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 1, 1991

Mr. & Mrs. Raymond J. Charnock
1113 Kent Avenue
Baltimore, MD 21207

RE: Item No. 463, Case No. 91-476-A
Petitioner: Raymond J. Charnock, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Charnock:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
3rd day of June, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Raymond J. Charnock, et ux

Petitioner's Attorney:

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

JUNE 21, 1991

(301) 887-4500

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RAYMOND J. CHARNOCK
Location: #1113 KENT AVENUE
Item No.: 463 Zoning Agenda: JUNE 25, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John Kelly* 6-25-91 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: July 22, 1991
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Raymond J. Charnock, Item No. 463

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM463/ZAC1

*1/11/91 Rec'd
juw*

